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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,068	03/04/2002	Niels Peter Skov Andersen	CE50039P	9244

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EXAMINER
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BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,068

Applicant(s)

ANDERSEN, NIELS PETER SKOV

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-24, 26-37, 39-44, 46-59 and 61 is/are rejected.
- 7) ☒ Claim(s) 12, 25, 38, 45 and 60 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/28/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/15/2005 have been fully considered but they are not persuasive. Applicant argues that Phillips teaches downloading operational software, however, such software does not correspond to the communication of rule information relating to predetermined coding rules. The examiner, however, disagrees.

Phillips discloses that when a mobile device sends a request for service to a base station, the system determines which protocol is being used by the mobile device (col. 3, lines 40-49). Phillips further teaches that when the protocol has been identified, the software is downloaded to the mobile terminal (col. 3, lines 56-59, col. 4, lines 20-27). The claimed predetermined coding reads on the protocol determined at the time the user request service and the rule information reads on the software downloaded to the mobile device that will allow the mobile and the base station to communicate with each other.

The applicant also mentions that the rule information may allow for reduced bandwidth requirements since communication of simple rule information requires much less bandwidth than download replacement software. However, such reduced bandwidth requirement is not presently claimed.

Therefore, Phillips discloses the invention as presently claimed and the rejection to the claims is set forth below.

***Claim Objections***

2. **Claim 52** is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should only refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 52 has not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12, 14-24, 26-37, 39-44, 46-51, 53-59 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Phillips, U.S. Patent No 6,188,898.

Regarding claims 1, 27, 28 and 54, Phillips discloses a mobile station/system/method comprising means for communicating with the radio telecommunications system means for receiving rule information relating to predetermined coding rules from the radio telecommunication system over an air interface; means for storing rule information: means for retrieving said rule information: means for inherently decoding using the retrieved rule information, signals received from the radio telecommunications system (col. 1, line 65-col. 2, line 23, col. 3, lines 35-40, col. 4, lines 20-27).

Regarding claims 2, 29 and 55, Phillip discloses a mobile station/method/system for communicating with a second mobile terminal station (inherently for call-set-up, during a call) comprising: means for communicating with the radio telecommunications system; means for receiving rule information relating to predetermined coding rules from the telecommunication system over an air interface; means for storing and retrieving said rule information: means for inherently encoding using the retrieved rule information, signals to be transmitted to the radio telecommunications system (col. 1, line 65-col. 2, line 23, col. 3, lines 35-40, col. 4, lines 20-27).

Regarding claim 3, Phillip discloses a first mobile station for communicating with second mobile station in a telecommunications system, the first mobile station comprising: means for receiving rule information relating to predetermined coding rules from the telecommunication system over an air interface means for storing rule information relating to predetermined coding rules: means for communicating with the second mobile station: means for retrieving said rule information; means for encoding or decoding using the retrieved rule information signals to be transmitted to or signals received from the second mobile station which signals use the predetermined coding rules (col. 1, line 65-col. 2, line 23, col. 3, lines 35-40, col. 4, lines 20-27).

Regarding claims 4, 17 and 30, Phillip discloses a mobile station wherein the rule information is down-loaded to the storing means during registration of the mobile station with the telecommunications system (col. 4, lines 20-27).

Regarding claims 5, 18 and 31, Phillip discloses wherein the rule information is down-loaded to the storing means over a dedicated communications channel (col. 4, lines 20-27).

Regarding claims 6, 19 and 32, Phillip discloses wherein the rule information is down-loaded to the storing means during a dedicated communication period separate from the communication required to register the mobile station with the telecommunications system (col. 4, lines 20-27).

Regarding claims 7, 20 and 33, Phillip discloses wherein the rule information is down-loaded to the storing means as pre-loaded information, prior to registration of the mobile station with the telecommunications system (col. 3, lines 35-40).

Regarding claims 8-10, 21-23 and 34-36, Phillips discloses wherein the rule information is updated each time the user enters a new (registration) area of the radio telecommunication system (col. 1, lines 55-64 and col. 3, line 55-col. 4, line 8).

Regarding claims 11, 24, 37 and 59, Phillips discloses wherein the rule information enables the mobile station to decode broadcast information from the telecommunication system (col. 4, lines 1-27).

Regarding claims 13, 26, 39, 46, 53 and 61, Phillips discloses wherein the radio telecommunication system is a digital radio telecommunications system (col. 3, lines 23-28; figure 2).

Regarding claims 14-16, Phillip discloses a radio telecommunications system comprising: at least one base station; at least one mobile station; the at least one base station including means for transmitting signals to and means for receiving signals from

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the at least one mobile station; the at least one mobile station including means for receiving signals from and means for transmitting signals to the at least one base station: the mobile station including means for storing rule information relating to predetermined coding rules; the mobile station also including means for retrieving said rule information; and the mobile station further including means for decoding using the retrieved rule information signals transmitted by the base station using the predetermined coding rules (col. 1, line 65-col. 2, line 23, col. 3, lines 35-40, col. 4, lines 20-27).

Regarding claims 40 and 47, Phillip discloses a radio telecommunications system for broadcasting encoded broadcast Information over a coverage area. comprising: at least one mobile station: the at least one base station including means for transmitting, over the coverage area. generic broadcast information in an unencoded format: the at least one mobile station including means for receiving said generic broadcast information at the least one base station; the mobile station including means for establishing a connection between the mobile station and the base station, using the generic broadcast information; the base station including means for transmitting over the connection to the mobile station, rule information relating to predetermined coding rule: the mobile station also including means for storing rule information; the mobile station further including means for retrieving said rule information; the base station also including means for transmitting over the coverage area non-generic broadcast information encoded using the predetermined coding rules; and wherein said mobile station further includes means for decoding, using the retrieved rule information the

non-generic broadcast information transmitted by the base station (col. 1, line 65-col. 2, line 23, col. 3, lines 35-40, col. 4, lines 20-27).

Regarding claims 41 and 48 wherein the alternative to the base station including means for transmitting, over the connection to the mobile station, rule information relating to predetermined coding rules the rule information is down-loaded to the storing means of the mobile station means as pre-loaded information (col. 3, lines 35-40).

Regarding claims 42, 49 and 56, Phillip discloses wherein the rule information is up-dated each time that the mobile station enters a new area of the radio telecommunications system (col. 3, line 55-col. 4, line 8).

Regarding claims 43, 50 and 57, Phillip discloses wherein the rule information is up-dated each time that the mobile station enters a new registration area of the radio telecommunications system (col. 3, line 55-col. 4, line 8).

Regarding claims 44, 51 and 58, Phillip discloses a radio telecommunications system in accordance with claim 40 wherein the rule information is up-dated each time that the mobile station enters a new cell of the radio telecommunications system (col. 3, line 55-col. 4, line 8).

Regarding claims 54 and 55, Phillips discloses a method of programming, by a radio telecommunications system, a mobile station over a connection said system comprising at least one base station comprising: establishing a connection between the mobile station and the at least one base station: the base station transmitting, over the connection rule information relating to predetermined coding rules; programming the mobile station with said rule information: retrieving said rule information: the mobile



station encoding or decoding using the retrieved rule information, signals to be transmitted to or received from the radio telecommunications system (col. 1, line 65-col. 2, line 23, col. 3, lines 35-40, col. 4, lines 20-27).

***Allowable Subject Matter***

5. Claims 12, 25, 38, 45 and 60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
TEMICA BEAMER  
PRIMARY EXAMINER  
11/10/05